

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

NOVEMBER 15, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held **Tuesday, November 15, 2011 at 3:11 p.m., in Committee Room #2.** The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable Alex Wan
The Honorable C. T. Martin
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms
The Honorable Yolanda Adrean**

Others present at the meeting were Deputy City Attorneys, Eric Richardson, Peter Adreus and Amber Robinson, Claude Cole, Law Department; Deputy Chiefs Calvin Moss, Shawn Jones and E. Renee Propes, Police Department; Wilmond Meadows, Fire and Rescue; David Bennett, Office of the Mayor; media, public and council staff.

Chairman Young called the meeting to order at 3:11 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO MOVE ITEM C TO THE END OF THE AGENDA.**
- B. APPROVAL OF MINUTES – APPROVED**
- C. DISCUSSION ITEM IN EXECUTIVE SESSION – Efforts to Mitigate Claims (Public Works)**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-1607 (1) Claim of **AT&T c/o Mike McCall (DWM/06)**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water main on March 16, 2009 at 2115 Piedmont Road. **\$18,300.00**
- 11-R-1608 (2) Claim of **Chloe Jones, a minor, through her attorney, Ronnie Mabra, Jr. (APD/04)**, for damages alleged to have been sustained as a result of a vehicular accident on February 7, 2011 at 1117 Lee Street. **\$4,500.00**
- 11-R-1609 (3) Claim of **Bryan Austin Rodgers (APD/06)**, for property damages alleged to have been sustained from an automobile accident on September 9, 2011 at Ponce de Leon Avenue and Boulevard. **\$4,468.75**
- 11-R-1610 (4) Claim of **Elise Haskett (APD/NA)**, for bodily injuries alleged to have been sustained from an automobile accident on June 23, 2011 at Ernest Barrett Parkway and Barrett Creek Boulevard. **\$2,500.00**
- 11-R-1611 (5) Claim of **Taurus Jackson (APD/02)**, for damages alleged to have been sustained as a result of a vehicular accident on May 22, 2011 at North Avenue and West Peachtree Street. **\$1,965.29**
- 11-R-1612 (6) Claim of **Joel J. Harris (DPW/10)**, for property damages alleged to have been sustained from an automobile accident on September 13, 2011 at I-285 and Martin Luther King, Jr. Drive. **\$1,625.63**
- 11-R-1613 (7) Claim of **Bridget Y. Rosser (DPW/02)**, for property damages alleged to have been sustained from an automobile accident on November 3, 2010 at Oakdale Road and First Avenue. **\$1,018.42**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1614 (8) Claim of **Elise Haskett (APD/NA)**, for property damages alleged to have been sustained from an automobile accident on June 23, 2011 at Ernest Barrett Parkway and Barrett Creek Boulevard. **\$711.63**

Claims with unfavorable recommendations:

- 11-R-1615 (9) Claim of **Eddie Green (APD/03)**, for damages alleged to have been sustained from a property incident with Police on September 25, 2010 at 412 James P. Brawley Drive.
- 11-R-1616 (10) Claim of **Jeff Mitchell (DPCD/12)**, for damages alleged to have been sustained from not receiving a Housing Assistance Payment (HAP) on Department 1, 2010 at 2905 Springdale Road.
- 11-R-1617 (11) Claim of **Paul Parham, through his attorney, Shannon D. Briley, Knight & Briley (DPW/03)**, for bodily injuries alleged to have been sustained when walking he fell into a pothole on March 20, 2011 at Martin Luther King, Jr. Boulevard, SW and Peachtree Street, SW.
- 11-R-1618 (12) Claim of **Warren K. Cordell (DPW/08)**, for damages alleged to have been sustained as the result of a vehicle accident on December 16, 2010 at 296 Ardmore Circle.
- 11-R-1619 (13) Claim of **Eugene Herrington (DPW/09)**, for property damages alleged to have been sustained from driving over a pothole on April 11, 2011 at 1813 Newman Place, NW.
- 11-R-1620 (14) Claim of **Ameniah Florence (DPW/11)**, for property damages alleged to have been sustained when City workers discarded two garbage receptacles on August 31, 2010 at 1890 Shepherd Circle, SW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-1621 (15) Claim of **Brian and Edina White, through their attorney, Kopelman Sitton Law Group**, for property damages alleged to have been sustained from a flood on January 24, 2010 at 888 City Park Drive, SE.
- 11-R-1622 (16) Claim of **Byron Walton and Karen Manning, through their attorney, Kopelman Sitton Law Group**, for property damages alleged to have been sustained from a flood on January 24, 2010 and May 3, 2010 at 901 City Park Drive, SE.
(Councilmember Adrean made a motion to approve Items D1-D16)

FAVORABLE

E. ORDINANCES FOR FIRST READING

- 11-O-1639 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a Sub-Grant from the United States Department of Homeland Security (DHS), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks, through the purchase of hazardous chemical detectors and specialized supplies and equipment for the Department of Police ("Department"), and to amend the 2012 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$190,000.00; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

- 11-O-1640 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$10,340.00 due to modifications in grant funds from the White House Office of National Drug Control Policy ("ONDCP") for the continuation of the High Intensity Drug Trafficking Area ("HIDTA") Task Force and continued disruption of Drug Trafficking Organizations; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. COMMUNICATIONS

- 11-C-1602 (1) A Communication from Matthew Reilly, President, National Association of Licensing and Compliance Professionals (NALCP), to Council President Ceasar C. Mitchell, submitting the appointment of **Mr. Michael Sard** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Bond made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

- 11-C-1603 (2) A Communication from Ronald A. Wolf, Vice Chair, Georgia Licensed Beverage Association, submitting the appointment of **Mr. Pino G. Venetico** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Bond made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

- 11-C-1625 (3) A Communication from Ed McGill, Executive Director, Georgia Alcohol Dealers Association, to Municipal Clerk Rhonda Dauphin Johnson, submitting the appointment of **Mr. Mac Thurston** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Bond made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

- 11-C-1672 (4) A Communication from Joy C. Barnes, Chair, License Review Board, to Municipal Clerk Rhonda Dauphin Johnson, submitting the appointment of **Mr. William Lobb** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Wan made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

COMMUNICATIONS (CONT'D)

- 11-C-1673 (5) A Communication from Anthony Joseph, Chair; Patrick Cuccaro, Vice-Chair and Hank Clark, Secretary, Georgia Restaurant Association, to Council President Ceasar C. Mitchell, submitting the appointment of **Ms. Karen Bremer** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Young made a motion to file.)

FILE - REFERRED TO COMMITTEE ON COUNCIL

- 11-C-1674 (6) A Communication from Curtis J. Martin II, President, Gate City Bar Association, to Municipal Clerk Rhonda Dauphin Johnson, submitting the appointment of **Mr. M. Hakim Hilliard** as their representative to serve as a member of the Alcohol Technical Advisory Group II (ATAG II), scheduled to begin on the date of Council confirmation.
(Councilmember Martin made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

G. ORDINANCES FOR SECOND READING

- 11-O-1545 (1) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$829,420.00 for the FY 2011 Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 11-O-1546 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, by adding to anticipations and appropriations in the amount of \$163,400.00 on behalf of the Atlanta Fire Rescue Department for the purpose of funding the Car Seat Fitting Station Program developed by the Atlanta Fire Rescue Department; and for other purposes.

(Councilmember Martin made a motion to approve.)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-1553 (3) An Ordinance by Public Safety and Legal Administration Committee exempting all utility relocation and construction related activities associated with the Atlanta Streetcar Project from the Atlanta Noise Ordinance, Code Sections 74-129 through 74-160, for a period of eighteen months for the purposes related to completing the project by the federally imposed deadlines; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-O-1684 (4) An Ordinance by Councilmember C. T. Martin **as substituted by Public Safety and Legal Administration Committee** to amend the code of ordinances of the City Of Atlanta, Georgia, Chapter 162, Article II, Division 2, Section 162-61, (Entitled Number Limited; Costs), so as to temporarily increase the permissible age of a vehicle that may be operated as a taxicab in the City from eight to nine, effective January 1, 2012; to remove language contained in Section 162-61 made superfluous thereby; and for other purposes.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE (1 ABSTENTION) BOND

H. RESOLUTIONS

- 11-R-1623 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of Erian Randall v. City of Atlanta, Civil Action File No. 2010EV011143C, pending in Fulton County State Court in the amount of \$23,000.00; authorizing said payment to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 11-R-1624 (2) A Resolution by Public Safety and Legal Administration Committee to rescind Resolution Numbers 11-R-1389 and 11-R-1449 and authorizing payment in the amount of \$5,601.03 in settlement of the property damage claim of Progressive Insurance Company as subrogee of Gary Cox, against the City of Atlanta; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

- 11-R-1642 (3) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of Nicole Johnson individually and as parent and next friend of Brianna Lane Johnson v. City of Atlanta, Civil Action File No. 2010CV183496, pending in Fulton County Superior Court in the amount of \$5,000.00; authorizing said payment to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 11-R-1643 (4) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of Nicole Johnson v. City of Atlanta, Civil Action File No. 2010CV183524, pending in Fulton County Superior Court in the amount of \$2,125.00; authorizing said payment to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve as amended.)

FAVORABLE AS AMENDED

RESOLUTIONS (CONT'D)

- 11-R-1644 (5) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to enter into an agreement ("Exhibit A") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), that governs the participation of three (3) officers of the Atlanta Police Department ("Department") in a special Task Force of the Bureau of Alcohol, Tobacco, Firearms Atlanta Organized Crime Drug Enforcement Task Force ("Task Force"), for the purpose of disrupting illicit trafficking in the Atlanta Metropolitan Area; and for other purposes.
(Councilmember Martin made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 11-R-1645 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta, to enter into an agreement ("Exhibit A") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), that governs the participation of one (1) officer of the Atlanta Police Department ("Department") in a special Task Force of the Bureau of Alcohol, Tobacco, Firearms Atlanta Organized Crime Drug Enforcement Task Force ("Task Force"), for the purpose of disrupting illicit trafficking in the Atlanta Metropolitan Area; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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I. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

HELD

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**

HELD

- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**

HELD

- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

HELD

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**

HELD

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

HELD

- 10-R-1813 (9) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes.

HELD

- 10-O-1880 (10) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**

HELD

- 10-O-2228 (11) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (12) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Councilmember Martin made a motion to file.)**

FILE

- 11-R-0772 (13) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**

HELD

- 11-R-0929 (14) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. **(Referred back by Full Council 10/3/11) (Held 10/11/11 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0946 (15) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes.
(Councilmember Adrean made a motion to file.)

FILE

- 11-O-0996 (16) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.
(Referred back by Full Council 7/5/11) (Held 7/11/11 for further review)

HELD

- 11-O-1479 (17) An Ordinance by Councilmember Michael J. Bond to amend Chapter 10, (Alcoholic Beverages) of the City of Atlanta Code of Ordinances to provide for the regulation of package and convenience stores; and for other purposes. **(Held 10/11/11 at the author's request)**

HELD

J. FOLLOW-UP ITEM

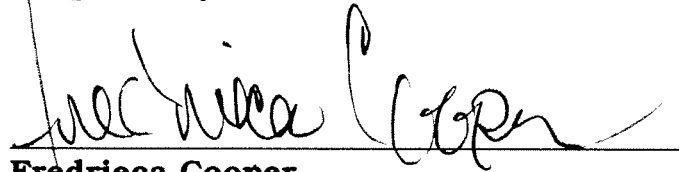
1. Councilmember Young requested that David Bennett make a report to the committee related to the Public Property Vending contract at each committee meeting.

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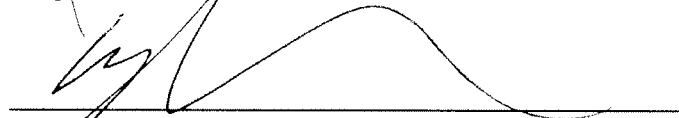
The Committee then went into Executive Session to discuss Item C.

There being no further business to come before the Committee, the meeting adjourned at 5:31 p.m.

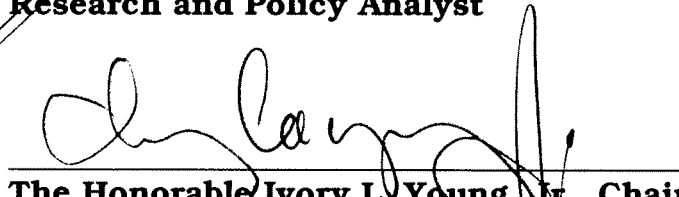
Respectfully Submitted:



**Fredrica Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



**The Honorable Ivory L. Young, Jr., Chair
Public Safety and Legal Administration Committee**